

ASSEMBLY BILL

No. 1871

Introduced by Assembly Member Hollingsworth

January 31, 2002

An act to add Section 12749.93 to the Water Code, relating to water development projects.

LEGISLATIVE COUNSEL'S DIGEST

AB 1871, as introduced, Hollingsworth. Water development projects: approved projects.

Existing law provides for state cooperation with the federal government in the construction of various flood control projects.

This bill would adopt and authorize a flood protection project for Murrieta Creek in Riverside County in accordance with federal law. The bill would require the Riverside County Flood Control and Water Conservation District to carry out the project and to give assurances of local cooperation to the Secretary of the Army, thereby imposing a state-mandated local program.

This bill would declare that, due to the special circumstances surrounding Murrieta Creek, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12749.93 is added to the Water Code, to
2 read:

3 12749.93. (a) The project for flood control on the Murrieta
4 Creek is adopted and authorized substantially in accordance with
5 Public Law 106-377, enacted on October 27, 2000, at an estimated
6 cost to the state of the sum that may be appropriated by the
7 Legislature for state cooperation, upon the recommendation and
8 advice of the department.

9 (b) The Riverside County Flood Control and Water
10 Conservation District shall give assurances satisfactory to the
11 Secretary of the Army that the local cooperation required by
12 federal law will be furnished by the district in connection with the
13 project for flood control adopted and authorized in subdivision (a).

14 (c) The district, in conjunction with the Department of the
15 Army, shall carry out the plans and project and may make
16 modifications and amendments to the plans as may be necessary
17 to carry out the plans for the purposes of Chapter 1 (commencing
18 with Section 12570) and this chapter.

19 SEC. 2. The Legislature finds and declares that, because of the
20 unique circumstances applicable only to Murrieta Creek, a statute
21 of general applicability cannot be enacted within the meaning of
22 subdivision (b) of Section 16 of Article IV of the California
23 Constitution. Therefore, this special statute is necessary.

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district are the result of a program for which legislative authority
28 was requested by that local agency or school district, within the
29 meaning of Section 17556 of the Government Code and Section
30 6 of Article XIII B of the California Constitution.

